

ORDINANCE NO. 33-16

AN ORDINANCE OF THE CITY OF WEST LAFAYETTE, INDIANA,
AMENDING THE WEST LAFAYETTE CITY CODE TO INCLUDE SEXUAL
ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, AND VETERAN STATUS
AS PROTECTED CLASSES UNDER THE WEST LAFAYETTE HUMAN RELATIONS
COMMISSION

WHEREAS, according to Section 24.01 of the West Lafayette City Code, the purpose of the West Lafayette Human Relations Commission (“WLHRC”) is to provide all of the citizens of West Lafayette equal opportunity for employment, public accommodations, housing, and education; and

WHEREAS, the WLHRC was designed to prevent prejudice, intolerance, bigotry, disorder and discrimination pursuant to Section 24.01 of the West Lafayette City Code; and

WHEREAS, the WLHRC adopted a policy statement on April 27, 1993 proclaiming its belief that the citizens of the City should be free of intolerance, discrimination, and fear and that its policy would be to promote understanding and to investigate and conciliate complaints in order to prevent prejudice, intolerance and discrimination on the basis of sexual orientation; and

WHEREAS, the Common Council of the City of West Lafayette adopted Resolution No. 27-93 on September 13, 1993 reaffirming the policy adopted by the WLHRC and committing itself to fostering a community that recognizes the worth of every person, promotes tolerance and understanding, and respects the right of each individual to be free of discrimination regardless of sexual orientation; and

WHEREAS, the WLHRC voted unanimously, on May 18, 2010, that its policy statement, in existence since 1993, should be expanded to include not only sexual orientation, but gender identity, gender expression, and veteran status as well; and

WHEREAS, the Common Council, supporting the intent of the amendment to the policy statement of the WLHRC done on May 18, 2010, adopted Resolution No. 11-10 and extended fair and equal treatment to all citizens of West Lafayette for the additional classifications of gender identity, gender expression, and veteran status; and

WHEREAS, the Indiana Civil Rights Law (Ind. Code § 22-9 *et. seq.*) did not empower the WLHRC to do binding adjudication of cases involving discrimination on the basis of sexual orientation, gender identity, gender expression, and veteran status; and

WHEREAS, the language of Senate Bill 344, which was proposed during the 2016 legislative session and expands the Indiana Civil Rights Law (Ind. Code § 22-9 *et. seq.*) to include military active duty status and sexual orientation as protected classes, would operate to explicitly preempt any conflicting post-December 31, 2015 ordinances, while at the same time allowing any conflicting ordinances adopted prior to December 31, 2015; and

WHEREAS, the City of West Lafayette now deems it necessary to add sexual orientation, gender identity, gender expression, and veteran status as new protected classes by ordinance, thus making the additions a formal part of the West Lafayette City Code.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE that:

CHAPTER 24, ARTICLE I, SECTION 02 of the West Lafayette City Code is amended, by addition of the following definitions, effective upon due passage, as follows:

Sec. 24.02. Definitions.

Protected Classification or Protected Class means race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status, status with regard to public assistance, sexual orientation, gender identity, gender expression, and veteran status.

Sexual Orientation means a component of an individual's identity that includes a person's sexual and emotional attraction to another person and the behavior and/or social affiliation which may result from this attraction and includes a lesbian woman, gay male, bisexual person or heterosexual person, whether actual or perceived.

Gender Identity means a person's actual or perceived gender-related attributes, self-image, appearance, expression, or behavior, whether or not such characteristics differ from those traditionally associated with the person's assigned sex at birth.

Gender Expression means the presentation of an individual including physical appearance, clothing choice and accessories, and behaviors that express aspects of gender identity or role. Gender expression may or may not conform to a person's gender identity.

Veteran Status means (a) a veteran of the armed forces of the United States; (b) a member of the Indiana National Guard; or (3) a member of a reserve component.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE that:

CHAPTER 24, ARTICLE I, SECTIONS 07(b), 08(a), 08(b), 08(c), 08(d)(1), 08(d)(1)(B), 08(d)(2), 08(e)(1), 08(e)(2), 08(e)(3), 08(e)(4), 08(f), 08(g)(1); 08(g)(2), 08(h), 08(i); 08(j); 08(k)(3); 09(a), and 09(c) of the West Lafayette City Code, which specifically reference “race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status, or status with regard to public assistance” are hereby amended FROM “race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status, or status with regard to public assistance” TO “protected classification,” or “protected class” and as grammatically required by the particular context, effective upon due passage.